



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 496**

1     **AN ACT** *to amend* 346.95 (2); and *to create* 38.04 (4) (e) 6., 115.28 (11) (f), 343.71  
2           (5) (f) and 346.89 (3) of the statutes; **relating to:** prohibiting electronic text  
3           messaging and electronic mail messaging while driving and providing a  
4           penalty.

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***Analysis by the Legislative Reference Bureau***

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

5           **SECTION 1d.** 38.04 (4) (e) 6. of the statutes is created to read:  
6           38.04 **(4)** (e) 6. Acquaints each student with the hazards posed by composing  
7           or sending electronic text messages or electronic mail messages while driving and  
8           with the provisions of s. 346.89 (3).  
9           **SECTION 1h.** 115.28 (11) (f) of the statutes is created to read:

1           115.28 **(11)** (f) Acquaint each student with the hazards posed by composing or  
2           sending electronic text messages or electronic mail messages while driving and with  
3           the provisions of s. 346.89 (3).

4           **SECTION 1p.** 343.71 (5) (f) of the statutes is created to read:

5           343.71 **(5)** (f) Acquaints each student with the hazards posed by composing or  
6           sending electronic text messages or electronic mail messages while driving and with  
7           the provisions of s. 346.89 (3).

8           **SECTION 1t.** 346.89 (3) of the statutes is created to read:

9           346.89 **(3)** (a) No person may drive, as defined in s. 343.305 (1) (b), any motor  
10          vehicle while composing or sending an electronic text message or an electronic mail  
11          message.

12          (b) This subsection does not apply to any of the following:

13          1. The operator of an authorized emergency vehicle.

14          2. The use of any device whose primary function is transmitting and receiving  
15          emergency alert messages and messages related to the operation of the vehicle or an  
16          accessory that is integrated into the electrical system of a vehicle, including a global  
17          positioning system device.

18          3. An amateur radio operator who holds a valid amateur radio operator's  
19          license issued by the federal communications commission when he or she is using  
20          dedicated amateur radio 2-way radio communication equipment and observing  
21          proper amateur radio operating procedures.

22          4. The use of a voice-operated or hands-free device if the driver of the motor  
23          vehicle does not use his or her hands to operate the device, except to activate or  
24          deactivate a feature or function of the device.

25          **SECTION 2m.** 346.95 (2) of the statutes is amended to read:

1            346.95 **(2)** Any person violating s. 346.89 (1) or (3) (a) or 346.94 (2), (4), or (7)  
2            may be required to forfeit not less than \$20 nor more than \$400.

**3 SECTION 3. Effective date.**

4           (1) This act takes effect on the first day of the 7th month beginning after  
5       publication.

**6 (END)**